

117TH CONGRESS
1ST SESSION

H. R. 322

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote integrity in voter registration, the casting of ballots, and the tabulation of ballots in elections for Federal office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2021

Mr. BANKS (for himself, Mrs. CAMMACK, Mr. STEUBE, Mr. HERN, Mr. NORMAN, Mr. BUDD, Mr. GOOD of Virginia, Mr. WEBER of Texas, Mr. WALBERG, Mr. ALLEN, Mr. MCKINLEY, Mr. PFLUGER, Ms. HERRELL, Mr. MEUSER, Mr. HIGGINS of Louisiana, Ms. MALLIOTAKIS, Mr. BARR, Mr. WENSTRUP, Mr. JACKSON, Mr. ARMSTRONG, Mr. GOODEN of Texas, Mr. BABIN, Mrs. WALORSKI, Mr. WALTZ, Mr. ARRINGTON, Mr. ADERHOLT, Mr. AUSTIN SCOTT of Georgia, Mr. DUNCAN, Mr. GIBBS, Mr. POSEY, and Mr. RESCHENTHALER) introduced the following bill; which was referred to the Committee on House Administration

A BILL

To amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote integrity in voter registration, the casting of ballots, and the tabulation of ballots in elections for Federal office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; FINDINGS.**

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Save Democracy Act”.

4 (b) FINDINGS.—Congress finds the following:

5 (1) Congress recognizes that the legitimacy of
6 the United States representative democracy rests on
7 the integrity of our Federal elections and confidence
8 our citizens have in them.

9 (2) Consistent with article I, section 4, clause
10 1 of the Constitution of the United States and the
11 principles of federalism, primary authority to regu-
12 late Federal elections is reserved to the States, while
13 Congress’s role is secondary.

14 (3) While exercising its primary role in deter-
15 mining the manner in which Federal elections shall
16 be carried out, States must seek to protect the fair-
17 ness, accessibility, and integrity of the elections.

18 (4) Congress should limit its secondary role in
19 regulating Federal elections to instances in which
20 State regulation of Federal elections has contributed
21 to or proven unsuccessful in preventing impropriety.

22 **SEC. 2. INTEGRITY IN VOTER REGISTRATION.**

23 (a) PROHIBITING AUTOMATIC VOTER REGIS-
24 TRATION.—Section 8 of the National Voter Registration Act
25 of 1993 (52 U.S.C. 20507) is amended—

1 (1) by redesignating subsection (j) as sub-
2 section (k); and

3 (2) by inserting after subsection (i) the fol-
4 lowing new subsection:

5 “(j) PROHIBITING REGISTRATION PURSUANT TO
6 AUTOMATIC VOTER REGISTRATION SYSTEM.—

7 “(1) PROHIBITION.—A State may not register
8 an individual to vote in elections for Federal office
9 pursuant to an automatic voter registration system.

10 “(2) DEFINITION.—In this subsection, an
11 ‘automatic voter registration system’ means, with re-
12 spect to a State, a system that registers an indi-
13 vidual to vote in elections for Federal office in the
14 State, if eligible, by electronically transferring the
15 information necessary for registration from govern-
16 ment agencies to election officials of the State so
17 that, unless the individual affirmatively declines to
18 be registered, the individual will be registered to vote
19 in such elections.”.

20 (b) PROHIBITING REGISTRATION TO VOTE OF INDIVI-
21 VIDUALS WHO FAIL TO PROVIDE PROOF OF UNITED
22 STATES CITIZENSHIP.—Section 8 of the National Voter
23 Registration Act of 1993 (52 U.S.C. 20507), as amended
24 by subsection (a), is amended—

1 (1) by redesignating subsection (k) as sub-
2 section (l); and

3 (2) by inserting after subsection (j) the fol-
4 lowing new subsection:

5 “(k) PROHIBITING REGISTRATION OF INDIVIDUALS
6 NOT PROVIDING PROOF OF UNITED STATES CITIZEN-
7 SHIP.—

8 “(1) PROHIBITION.—Notwithstanding any other
9 provision of this Act, a State may not register an in-
10 dividual to vote in elections for Federal office held
11 in the State unless, at the time the individual ap-
12 plies to register to vote, the individual provides docu-
13 mentary proof that the individual is a citizen of the
14 United States, which shall consist of any of the fol-
15 lowing (or a photocopy thereof):

16 “(A) A certified birth certificate issued by
17 a State or unit of local government in a State.

18 “(B) A valid United States passport.

19 “(C) A Consular Report of Birth Abroad
20 issued by the Secretary of State.

21 “(D) A Naturalization Certificate or Cer-
22 tificate of Citizenship issued by the Secretary of
23 Homeland Security.

24 “(2) APPLICABILITY.—Paragraph (1) applies
25 with respect to an individual who applies to register

1 to vote under section 5, 6, or 7 (including an individual
2 who submits the mail voter registration application form prescribed by the Election Assistance
3 Commission pursuant to section 9), or who applies
4 under any other method of voter registration available
5 in the State.”.

7 (c) REQUIRING APPLICANTS FOR VOTER REGISTRATION TO PROVIDE FULL SOCIAL SECURITY NUMBERS.—

9 (1) REQUIREMENT.—Section 303(a)(5)(A) of
10 the Help America Vote Act of 2002 (52 U.S.C.
11 21083(a)(5)(A)) is amended to read as follows:

12 “(A) REQUIRING APPLICANTS TO PROVIDE
13 FULL SOCIAL SECURITY NUMBER.—Notwithstanding
14 any other provision of law, an application for voter registration for an election for
15 Federal office may not be accepted or processed
16 by a State unless the application includes the
17 applicant’s full Social Security number.”.

19 (2) CONFORMING AMENDMENT RELATING TO
20 CERTAIN VOTERS REGISTERING BY MAIL.—Section
21 303(b)(3)(B)(i) of such Act (52 U.S.C.
22 21083(b)(3)(B)(i)) is amended by striking “either—
23 ” and all that follows through “; and” and inserting
24 “the individual’s full Social Security number; and”.

1 (3) CONFORMING AMENDMENT RELATING TO
2 WAIVER OF PRIVACY ACT.—Section 303(c) of such
3 Act (52 U.S.C. 21083(c)) is amended to read as fol-
4 lows:

5 “(c) PERMITTED USE OF SOCIAL SECURITY NUM-
6 BERS.—Section 7 of the Privacy Act of 1974 (5 U.S.C.
7 552a note) does not apply to the use of a Social Security
8 number under subsection (a)(5)(A) or subsection
9 (b)(3)(B)(i).”.

10 (d) ENSURING PROVISION OF INFORMATION TO
11 STATE ELECTION OFFICIALS ON INDIVIDUALS RECUSED
12 FROM JURY SERVICE ON GROUNDS OF NONCITIZEN-
13 SHIP.—

14 (1) REQUIRING STATE ELECTION OFFICIALS TO
15 COORDINATE INFORMATION ON RECUSAL AS PART
16 OF MAINTENANCE OF STATEWIDE VOTER REGISTRA-
17 TION LIST.—Subparagraph (A) of section 303(a)(2)
18 of the Help America Vote Act of 2002 (52 U.S.C.
19 21083(a)(2)) is amended—

20 (A) by redesignating clause (iii) as clause
21 (iv); and

22 (B) by inserting after clause (ii) the fol-
23 lowing new clause:

24 “(iii) For purposes of removing names
25 of ineligible voters from the official list of

1 eligible voters by reason of citizenship sta-
2 tus, the State shall coordinate the comput-
3 erized list with records of courts which
4 have recused individuals from serving on a
5 jury on the grounds that the individuals
6 are not citizens of the United States.”.

7 (2) REQUIRING NOTIFICATION BY COURTS.—

8 (A) REQUIREMENT DESCRIBED.—If a
9 United States district court or a court of any
10 State or local jurisdiction recuses an individual
11 from serving on a jury on the grounds that the
12 individual is not a citizen of the United States,
13 the court shall transmit a notice of the individ-
14 ual’s recusal—

15 (i) to the chief State election official
16 of the State in which the individual re-
17 sides; and

18 (ii) to the Attorney General.

19 (B) DEFINITIONS.—For purposes of this
20 subsection—

21 (i) the “chief State election official”
22 of a State is the individual designated by
23 the State under section 10 of the National
24 Voter Registration Act of 1993 (52 U.S.C.
25 20509) to be responsible for coordination

1 of the State's responsibilities under such
2 Act; and

3 (ii) the term "State" means each of
4 the several States, the District of Colum-
5 bia, the Commonwealth of Puerto Rico,
6 American Samoa, Guam, the United States
7 Virgin Islands, and the Commonwealth of
8 the Northern Mariana Islands.

9 (e) EFFECTIVE DATE.—This section and the amend-
10 ments made by this section shall take effect on the date
11 of the enactment of this Act, and shall apply with respect
12 to applications for voter registration which are submitted
13 on or after such date.

14 **SEC. 3. INTEGRITY IN CASTING OF BALLOTS.**

15 (a) PROMOTING INTEGRITY IN CASTING OF BAL-
16 LOTS.—Title III of the Help America Vote Act of 2002
17 (52 U.S.C. 21081 et seq.) is amended—

18 (1) by redesignating sections 304 and 305 as
19 sections 305 and 306; and
20 (2) by inserting after section 303 the following
21 new section:

22 **"SEC. 304. PROMOTING INTEGRITY IN CASTING OF BAL-
23 LOTS.**

24 "(a) REQUIRING PROVISION OF IDENTIFICATION AS
25 CONDITION OF VOTING.—

1 “(1) INDIVIDUALS VOTING IN PERSON.—Not-
2 withstanding any other provision of law, the appro-
3 priate State or local election official may not provide
4 a ballot for an election for Federal office to an indi-
5 vidual who desires to vote in person unless the indi-
6 vidual presents to the official a current and valid
7 identification.

8 “(2) INDIVIDUALS VOTING OTHER THAN IN
9 PERSON.—Notwithstanding any other provision of
10 law, the appropriate State or local election official
11 may not accept any ballot for an election for Federal
12 office provided by an individual who votes other than
13 in person unless the individual submits with the bal-
14 lot a copy of a current and valid identification.

15 “(3) CURRENT AND VALID IDENTIFICATION DE-
16 FINED.—In this subsection, a ‘current and valid
17 identification’ means a current and valid version of
18 any of the following:

19 “(A) An identification issued by a State or
20 a unit of local government in a State.

21 “(B) A United States passport.

22 “(C) A military identification card.

23 “(D) An identification issued by a tribal
24 government.

1 “(b) PROHIBITING DELIVERY OF BALLOTS BY MAIL
2 UNLESS REQUESTED.—A State may not deliver a ballot
3 in an election for Federal office to an individual by mail
4 unless the individual requests that the State deliver the
5 ballot to the individual by mail.

6 “(c) PROHIBITING USE OF DROP BOXES FOR COL-
7 LECTION OF BALLOTS.—A State may not use a drop box
8 for the collection of voted absentee ballots in an election
9 for Federal office unless the drop box is located inside a
10 building which serves as an office for a State or local elec-
11 tion official.

12 “(d) RESTRICTIONS ON DELIVERY OF VOTED BAL-
13 LOTS BY THIRD PARTIES.—A State may not accept a
14 voted absentee ballot in an election for Federal office
15 which is delivered in person to an election official by any
16 individual other than the voter to whom the ballot was
17 transmitted, other than an individual described as follows:

18 “(1) An election official while engaged in offi-
19 cial duties as authorized by law.

20 “(2) An employee of the United States Postal
21 Service while engaged in official duties as authorized
22 by law.

23 “(3) Any other individual who is allowed by law
24 to collect and transmit United States mail, while en-
25 gaged in official duties as authorized by law.

1 “(e) PROHIBITING ACCEPTANCE OF ABSENTEE BAL-
2 LOTS RECEIVED AFTER DATE OF ELECTION.—A State
3 may not accept a voted absentee ballot in an election for
4 Federal office which is not received by the appropriate
5 State or local election official prior to the time at which
6 the polls in the election close on the date of the election.

7 “(f) USE OF SOCIAL SECURITY NUMBERS TO CROSS-
8 CHECK IDENTIFICATIONS OF INDIVIDUALS CASTING BAL-
9 LOTS IN AN ELECTION WITH INDIVIDUALS REGISTERED
10 To VOTE IN THE ELECTION.—

11 “(1) REQUIREMENT.—Immediately upon the
12 closing of the polls in an election for Federal office,
13 each State shall verify the identification of each indi-
14 vidual who cast a ballot in the election by carrying
15 out a cross-check of the individual’s identification
16 with the individual’s identification in the official list
17 of individuals who are registered to vote in the elec-
18 tion, using the individual’s full Social Security num-
19 ber as the method for determining the individual’s
20 identification.

21 “(2) REPORT TO CONGRESS.—Not later than 7
22 days after the closing of the polls in an election for
23 Federal office, the State shall submit to the Com-
24 mittee on House Administration of the House of
25 Representatives and the Committee on Rules and

1 Administration of the Senate a report on the State's
2 compliance with subsection (a), and shall include in
3 the report—

4 “(A) the percentage of individuals who cast
5 votes in the election whose identifications were
6 verified by the State under such subsection; and

7 “(B) the number of individuals who cast
8 votes in the election, or who attempted to cast
9 votes in the election, whose identifications could
10 not be verified by the State under such sub-
11 section.

12 “(g) EXCEPTION FOR ABSENT MILITARY AND OVER-
13 SEAS VOTERS.—This section does not apply with respect
14 to any individual who is entitled to vote by absentee ballot
15 under the Uniformed and Overseas Citizens Absentee Vot-
16 ing Act (52 U.S.C. 20301 et seq.).

17 “(h) EFFECTIVE DATE.—This section shall apply
18 with respect to the regularly scheduled general election for
19 Federal office held in 2022 and any succeeding election
20 for Federal office.”.

21 (b) CONFORMING AMENDMENT RELATING TO EXIST-
22 ING IDENTIFICATION REQUIREMENTS.—Section 303 of
23 such Act (52 U.S.C. 21083) is amended—

24 (1) by striking subsection (b); and

1 (2) in subsection (c), as amended by section
2 2(c)(3), by striking “or subsection (b)(3)(B)(i)”.

3 (c) CONFORMING AMENDMENT RELATING TO EN-
4 FORCEMENT.—Section 401 of such Act (52 U.S.C. 21111)
5 is amended by striking “and 303” and inserting “303, and
6 304”.

7 (d) CLERICAL AMENDMENT.—The table of contents
8 of such Act is amended—

9 (1) by redesignating the items relating to sec-
10 tions 304 and 305 as relating to sections 305 and
11 306; and

12 (2) by inserting after the item relating to sec-
13 tion 303 the following:

“See. 304. Promoting integrity in casting of ballots.”.

14 **SEC. 4. INTEGRITY IN TABULATION OF BALLOTS.**

15 (a) PROMOTING INTEGRITY.—Title III of the Help
16 America Vote Act of 2002 (52 U.S.C. 21081 et seq.), as
17 amended by section 3(a), is amended—

18 (1) by redesignating sections 305 and 306 as
19 sections 306 and 307; and

20 (2) by inserting after section 304 the following
21 new section:

22 **“SEC. 305. PROMOTING INTEGRITY IN TABULATION OF BAL-
23 LOTS.**

24 “(a) MINIMUM PRESENCE OF ELECTION OBSERV-
25 ERS.—The appropriate State or local election official shall

1 permit at least 2 representatives of each candidate appear-
2 ing on the ballot in a general election for Federal office
3 to observe the tabulation of the ballots in the election.

4 **“(b) CONTINUOUS TABULATION OF BALLOTS UNTIL**
5 **COMPLETION.—**

6 “(1) IN GENERAL.—Upon the closing of the
7 polls on the date of an election for Federal office,
8 the appropriate State or local election official shall
9 continue the tabulation of the ballots cast in the
10 election without interruption (other than an inter-
11 ruption caused by an emergency affecting the health
12 or safety of the election officials carrying out the
13 tabulation) until each lawfully cast ballot has been
14 tabulated.

15 “(2) EXCEPTION FOR PROVISIONAL BALLOTS.—
16 Paragraph (1) does not apply with respect to the
17 tabulation of any provisional ballot cast in the elec-
18 tion.

19 “(c) POST-ELECTION AUDIT.—Not later than 30
20 days after each election for Federal office held in the
21 State, each State shall conduct and publish an audit of
22 the effectiveness and accuracy of the voting systems used
23 to carry out the election and the performance of the State
24 and local election officials who carried out the election.

1 “(d) EFFECTIVE DATE.—This section shall apply
2 with respect to the regularly scheduled general election for
3 Federal office held in 2022 and any succeeding election
4 for Federal office.”.

5 (b) CONFORMING AMENDMENT RELATING TO EN-
6 FORCEMENT.—Section 401 of such Act (52 U.S.C.
7 21111), as amended by section 3(c), is amended by strik-
8 ing “and 304” and inserting “304, and 305”.

9 (c) CLERICAL AMENDMENT.—The table of contents
10 of such Act, as amended by section 3(d), is amended—

11 (1) by redesignating the items relating to sec-
12 tions 305 and 306 as relating to section 306 and
13 307; and

14 (2) by inserting after the item relating to sec-
15 tion 304 the following new item:

“See. 305. Promoting integrity in tabulation of ballots.”.

